THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.6585 of 2007

Dated:02-04-2007

Between:-

K. Anjamma

..Petitioner

And

Government of Andhra Pradesh rep., by
Secretary, Municipal Administration Department,
Secretariat, Hyderabad and two others.

..Respondents.

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:O R D E R:

It is the case of the petitioner that she is the owner of the property bearing premises No.19-4-409/2, Bahadurpura, Hyderabad, which was purchased by her, by virtue of registered sale deed dated 28-04-1976. The said premises was let out to one Sri Syed Akbber Hussain, who is running a hotel.

It is stated that while the matter stood thus, the third respondent served a notice in letter No. 1908/RW/ACP/C2/MCH/2007 dated 14-03-2007 stating that the property of the petitioner will be affected to the depth of 30'0"
ad-measuring to 60.00 square yards. The petitioner is requested to give her consent to handover advance

possession of the area affected under proposed Junction Improvement to MCH in the public interest and MCH will arrange to pay the structural compensation as per R & B schedule rates and in lieu of the land value relaxation and additional F.S.I. as per G.O.Ms.No. 483 M.A. dated 24-08-1998; G.O.Ms.No. 623 M.A. dated 01-12-2006 and other government orders will be considered as per Sections 428 and 433 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the HMC Act, 1955').

I am of the opinion that if the petitioner is aggrieved by the impugned action, it is always open for the petitioner either to agree or disagree. If the petitioner wants to avail the benefits of Government Orders, it is for her to give her consent and enter into an agreement. If the petitioner does not want to agree for the said proposal, the only course open for the respondents is to initiate land acquisition proceedings contemplated under the provisions of H.M.C Act, 1955.

Accordingly, the writ petition is disposed of giving an option to the petitioner to avail the benefits as per impugned notification dated 14-03-2007 by filing a petition giving consent within one week from today or if she does not want to agree to avail the benefit and enter into an agreement under the provisions of the HMC Act, 1955 the respondents may initiate proceedings for land acquisition as contemplated under the provisions of the HMC, 1955 Act and take appropriate action in accordance with law.

Until then, the petitioner shall not be dispossessed.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

Dated: 02-04-2007.
Pvks/*

Nb:- Furnish c.c. in two days.
B/o. pvks/*